UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,575	02/29/2000	Daniele V. Levy	002801.P013	9778

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EXAMINER
HARBECK, TIMOTHY M

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/515,575	LEVY ET AL.
	Examiner	Art Unit	
	Timothy M. Harbeck	3628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/23/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-19,21-31 and 34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-19,21-31 and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/23/2006*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-19, 21-31 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Conklin (US Pat No 6,141,653) in view of

http://web.archive.org/web/19991122070012/pages.ebay.com/services/forum/feedback.

html (hereinafter EBay, via the Wayback Machine archive, published on 11/10/1999) in

view of

http://web.archive.org/web/19991122031437/http://pages.ebay.com/help/basics/f-

feedback.html#3. (hereinafter FAQ, via the Wayback Machine archive, published on

11/10/1999)

Conklin discloses a system for interative, multivariate negotiations over a network

including:

- Identifying a plurality of transactions associated with a first user, the

  plurality of transactions comprising completed transactions, facilitated by

  the network the network-based transaction facility, in which the first user

  participated with at least one other user (Column 14, lines 21-26)

- Communicating user interface information from the network-based
  transaction facility to a client associated with the first user (Column 14,
  lines 21-26) via a communication network (Column 14, lines 38-46), the
  user interface information including transaction information concerning at
  least first and second transactions of the plurality of transactions
  associated with the first user (Column 14, lines 21-26).

Conklin does not disclose the steps of

- Specifying a single feedback interface facilitating user input feedback
  information for each of the at least first and second of the plurality of
  transactions; and

- Receiving at the network-based transaction facility, the feedback
  information provided by the first user through the single feedback
  interface, for each of at least the first and second transactions, the
  feedback information being received via the communications network

EBay is a screen shot, via the Wayback Machine, of the EBay website, a popular
Internet auction facilitator at the time of invention. The document outlines the feedback
procedures of EBay concerning transactions of its users. This implies that the network
based transaction facility receives the feedback information from the user, as it is
catalogued for future users to see (page 1). Furthermore FAQ is a further link from
Ebay (see numeral 6 "Feedback FAQ") As outlined on the page a user can if they wish
"leave transaction-related feedback about a specific buy or sell transaction." This

means that for each transaction the user was a party to, feedback can be left for the respective counterparty.

It would have been obvious to someone skilled in the ordinary art to include the teachings of EBay and FAQ to the disclosure of Conklin so that a future user will have information regarding the past transactions of potential counterparties to a transaction. The user can then determine if the potential counterparty is a reputable user of the system or if prior users have had problems with them in previous transactions.

Re Claim 3 and 4: Conklin in view of EBay and FAQ discloses the claimed method supra and EBay further discloses identifying the completed transactions as transactions in which the first user participated as a buyer and the at least one user participated as a seller and vice versa (See Top of Page 1). EBay discloses that both sellers and buyers can receive feedback and therefore a user of the system could be either a buyer or a seller.

Re Claim 5: Conklin in view of EBay and FAQ discloses the claimed method supra and FAQ further discloses the method wherein the identifying comprises identifying the completed transaction in which the first user participated within a predetermined time period (See Page 2). EBay lists the transactions of the user over the past 60 days.

Re Claim 6: Conklin in view of EBay and FAQ discloses the claimed method supra and EBay further discloses the step wherein the communication of the user interface information comprises communicating a markup language document and wherein the transaction information includes text information describing at least the first

and second transaction (See Page 1). The page shows a rating system using a markup

language format and also notes that users can leave comments in the feedback.

Re Claim 7: Conklin in view of Ebay and FAQ discloses the claimed method

supra and EBay further discloses the step wherein the user interface information

defines a respective feedback input field associated with each of the first and second

transactions via which the feedback information for each of at least the first and second

transactions is user-inputted (See Page 1). EBay notes that a list of transactions for a

user is given and that user feedback can be given concerning each transaction. EBay

also discloses that "comments" (user-inputted) can be left on a feedback profile.

Re Claims 8 and 9: Conklin in view of EBay and FAQ discloses the claimed

method supra and EBay further discloses the step wherein the user interface

information defines a type indicator via which type information, indicating a feedback

type for the feedback information for each of the at least first and second transactions,

is user inputted (See Page 1). EBay discloses that the user can indicate a feedback

type of either a positive, neutral or negative, and that it is user inputted.

Re Claim 10: Conklin in view of EBay and FAQ discloses the claimed method

supra and while the references do not explicitly disclose wherein the type indicator

comprises any one of a group including a collection of check boxes and a collection of

radio boxes, however these methods of indicating a selection via a computer software

program were well known in the art at the time of invention and would have been

obvious.

Re Claim 11: Conklin in view of EBay and FAQ discloses the claimed method supra and while the references do not explicitly disclose the step wherein the sure interface information defines a respective skip indicator for each of the at least first and second transactions and each skip indicator being user-selectable to indicate whether or not feedback is provided via the feedback indicator, the EBay reference notes that a user is not required to provide feedback on each transaction. While not necessarily containing a skip button, a user can perform the same function by simply not leaving feedback and simply closing the interface.

Re Claim 12: Conklin in view of EBay and FAQ discloses the claimed method supra and while the references do not explicitly disclose wherein the skip indicator comprises any one of a group including a collection of check boxes and a collection of radio boxes, however these methods of indicating a selection via a computer software program were well known in the art at the time of invention and would have been obvious for to allow the user to quickly skip the feedback option if they do not wish to comment.

Re Claim 13: Conklin in view of EBay and FAQ discloses the claimed method supra and while the references do not explicitly disclose the step wherein the user interface information defines a filter input field via which a filter criteria is user-inputted, the filter criteria being applied to the plurality of transactions to define a subset thereof for display via the feedback interface, it was well known in the art at the time of invention to include a filter step in a search process. The Conklin reference discloses that users can search and evaluate seller information (Column 14, lines 3-4), which

would include feedback information from other users. A filter process in this search would be obvious to help a user remove erroneous information and focus on the subset to which they are interested.

Re Claim 14: Conklin in view of EBay and FAQ discloses the claimed method supra and EBay further discloses wherein the filter criteria comprises a user identifier identifying a second user associated with at least one transaction of the plurality of transactions (Page 1). EBay notes that a user can search for a particular buyer or seller's feedback profile using the user name associated with that account.

Re Claim 15: Conklin in view of EBay and FAQ discloses the claimed method supra and FAQ further discloses wherein the filter criteria comprises a transaction identifier identifying at least one of a plurality of transactions (Page 2). The reference notes that you can leave feedback for a single transaction so there must be a way to filter out this transaction from a plurality of transactions.

Re Claim 16: Conklin in view of EBay and FAQ discloses the claimed method supra and FAQ further discloses populating a feedback structure with the feedback information for each of the at least first and second transactions (Page 2). FAQ notes a page where a user will be able to leave feedback for other members to which they have been party to a transaction to within the last 60 days. If the user has engaged in a number of transactions within the last 60 days, then the feedback information for each of these transactions would be available on this page.

Re Claim 17: Conklin in view of EBay and FAQ discloses the claimed method supra and EBay further discloses wherein the transaction information includes any one

of a group including user, item, description, and date information (Page 1-2). EBay

notes that a User ID of the counterparty is associated with all transactions as well as the

date of the transaction and furthermore it is well known in the art that other information

such as the item and a description of the item in the transaction information.

Re Claim 18: Conklin discloses a system for interative, multivariate negotiations

over a network comprising the step of:

- Displaying transaction identification information for each of a plurality

  of transactions within the single user interface displayed on a display

  device, the plurality of transactions comprising completed transactions,

  facilitated by the computerized transaction facility, in which the first

  user participated with at least one other user (Column 14, lines 21-26).

  A user can retrieve the information for display at any time.

Conklin does not explicitly disclose the following:

- Displaying a feedback input for each of the plurality of transactions

  within the single user interface as displayed on the display device

- Wherein each feedback input is displayed so as to indicate as

  association with respective transaction identification information and

  wherein each feedback input comprises an input field to receive at

  least one of text, numeric and alpha numeric information.

EBay is a screen shot, via the Wayback Machine, of the EBay website, a popular

Internet auction facilitator at the time of invention. The document outlines the feedback

procedures of EBay concerning transactions of its users. This implies that the network

based transaction facility receives the feedback information from the user, as it is

catalogued for future users to see (page 1). Furthermore FAQ is a further link from

Ebay (see numeral 6 "Feedback FAQ") As outlined on the page a user can if they wish

"leave transaction-related feedback about a specific buy or sell transaction." This

means that for each transaction the user was a party to, feedback can be left for the

respective counterparty.

It would have been obvious to someone skilled in the ordinary art to include the

teachings of EBay and FAQ to the disclosure of Conklin so that a future user will have

information regarding the past transactions of potential counterparties to a transaction.

The user can then determine if the potential counterparty is a reputable user of the

system or if prior users have had problems with them in previous transactions.

Re Claim 19: Conklin in view of EBay and FAQ discloses the claimed method

supra and Conklin further discloses the step wherein the transaction identification

information includes any one of a group including user information identifying a party to

a transaction, item information identifying a subject of a transaction and date information

indicating a date associated with the transaction period (Column 14, lines 21-26).

Re Claim 21: Conklin in view of EBay and FAQ discloses the claimed method

supra and EBay further discloses the step wherein the feedback input comprises at

least one of a plurality of user-selectable feedback options (Page 1). EBay discloses

allowing the user to select between positive, negative or neutral feedback comments.

Re Claim 22: Conklin in view of EBay and FAQ discloses the claimed method

supra and while the references do not explicitly disclose the step wherein the plurality of

user selectable feedback options are presented in the form of a drop-down menu, the

use of drop down menus in software applications was well known in the art at the time

of invention. It would have been obvious to someone skilled in the ordinary art at the

time of invention to include drop down menus to allow a user to quickly select an option

amongst a plurality of options.

Re Claim 23 and 24: Conklin in view of EBay and FAQ discloses the claimed

method supra and EBay further discloses the steps wherein the plurality of user-

selectable feedback options are type options that indicate a feedback type associated to

feedback information and wherein the feedback type includes any one of a group

including positive feedback, negative feedback and neutral feedback (Page 1). EBay

discloses allowing the user to select between different types of feedback comments

including positive, negative or neutral feedback comments.

Re Claim 25: Conklin in view of EBay and FAQ discloses the claimed method

supra and while the references do not explicitly disclose wherein the plurality of user

selectable feedback options are presented as being user selectable by any of a group

including a plurality of check boxes and a plurality of radio buttons, however these

methods of indicating a selection via a computer software program were well known in

the art at the time of invention and would have been obvious for to allow the user to

quickly select a predetermined option.

Re Claim 26: Conklin in view of EBay and FAQ discloses the claimed method

supra and while not explicitly disclosing the step of displaying a skip input for each of

the plurality of transactions within the user interface, each skip input being user-

selectable to indicate whether or not feedback is being provided for associated

transaction identification information, the EBay reference notes that a user is not

required to provide feedback on each transaction. While not necessarily containing a

skip button, a user can perform the same function by simply not leaving feedback and

simply closing the interface.

Re Claim 27: Conklin in view of EBay and FAQ discloses the claimed method

supra and Conklin further discloses the step wherein the user interface comprises a

markup language document displayed within a browser (Column 2, lines 12-22)

Re Claim 28: Conklin in view of EBay and FAQ discloses the claimed method

supra and EBay further discloses the step wherein the association is indicated by

display of respective feedback input proximate the specific transaction identification

information (Page 1-2). The EBay reference notes that most members leave messages

about a buy or sell transaction and that a user can also receive a quick summary of

feedback messages left about others pertaining to specific transactions.

Re Claim 29: Conklin in view of EBay and FAQ discloses the claimed method

supra and EBay further discloses the step wherein the association is indicated by

display of a graphical indication that indicates the association between the respective

feedback input and the specific transaction identifier information (Page 2). The EBay

reference discloses the use of a point system relating to the tone of feedback. If a user

receives 10 or more comments, a star icon will appear next to the name. The color of

the star varies with the number of positive or negative comments.

Re Claim 30: Conklin discloses a system for interative multivariate negotiations over a network including the steps of:

- Identifying a plurality of items, the plurality of items being items transacted between a user and at least one other user utilizing the network-based transaction facility (Column 14, lines 21-26)

Conklin does not disclose the following steps

- Communicating user interface information to a client via a communications network, the user interface information including item information from the network-based transaction facility concerning at least first and second items of the plurality of items and specifying a single input interface facilitating user input of comments

- Receiving, at the network-based transaction facility, the comments provided by the user through the single input interface, for each of the at lat first and second items, the comments being received via the communications network

EBay is a screen shot, via the Wayback Machine, of the EBay website, a popular Internet auction facilitator at the time of invention. The document outlines the feedback procedures of EBay concerning transactions of its users. This implies that the network based transaction facility receives the feedback information from the user, as it is catalogued for future users to see (page 1). Furthermore FAQ is a further link from Ebay (see numeral 6 "Feedback FAQ") As outlined on the page a user can if they wish

"leave transaction-related feedback about a specific buy or sell transaction." This

means that for each transaction the user was a party to, feedback can be left for the

respective counterparty.

It would have been obvious to someone skilled in the ordinary art to include the

teachings of Ebay and FAQ to the disclosure of Conklin so that a future user will have

information regarding the past transactions of potential counterparties to a transaction.

The user can then determine if the potential counterparty is a reputable user of the

system or if prior users have had problems with them in previous transactions.

Re Claim 31: Conklin discloses a system for interative multivariate negotiations

over a network including the steps of:

- Displaying item identification information for each of a plurality of items

    within the single user interface displayed on a display device the plurality

    of items being items transacted between a user and at least one other

    user utilizing the network-based transaction facility (Column 14, lines 21-

    26).

Conklin does not disclose the following:

- Displaying a comment input for each of the plurality of items within the

    single user interface as displayed on the display device

- Wherein each component input by a user is displayed so as to indicate an

    association with respective transaction identification information and

    wherein each comment input by the user comprises an input field to

    receive at least one of text, numeric and alpha-numeric information

EBay is a screen shot, via the Wayback Machine, of the EBay website, a popular

Internet auction facilitator at the time of invention. The document outlines the feedback

procedures of EBay concerning transactions of its users. This implies that the network

based transaction facility receives the feedback information from the user, as it is

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Ebay (see numeral 6 "Feedback FAQ") As outlined on the page a user can if they wish

"leave transaction-related feedback about a specific buy or sell transaction." This

means that for each transaction the user was a party to, feedback can be left for the

respective counterparty.

It would have been obvious to someone skilled in the ordinary art to include the

teachings of EBay to the disclosure of Conklin so that a future user will have information

regarding the past transactions of potential counterparties to a transaction. The user

can then determine if the potential counterparty is a reputable user of the system or if

prior users have had problems with them in previous transactions.

Re Claim 34: Further system claim would have been obvious to perform the

previously rejected method claim 1 and is therefore rejected using the same art and

rationale.

Response to Arguments

Applicant's arguments, see pages 1-4 of "Remarks", filed 1/23/2006, with respect

to the rejection(s) of claim(s) 1, 3-19, 21-31 and 34 under *35 USC § 103* have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of a

new reference applied to the claims. The applicant has correctly pointed out that a page of a reference relied upon in the previous Office Action was not consistent, in terms of the network path and therefore the proper date, with other pages of that reference. The examiner has corrected the problem, by removing the invalid page from the reference and providing an appropriate reference with an appropriate prior art date to replace any citations made to the invalid page. The examiner apologizes for the mistake and inconvenience. The new grounds of rejection have been submitted above.

The applicant offered no other arguments.
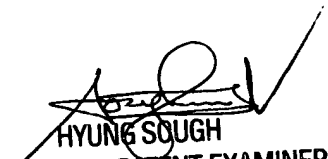
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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